

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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ALFREDO GONZALEZ,

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Petitioner,

* No. 17-174V

* Special Master Christian J. Moran

*

v.

* Filed: March 23, 2021

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

* Stipulation; Tetanus Diphtheria;
* acellular pertussis (“Tdap”) vaccine;
* Guillain-Barré syndrome (“GBS”).

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Respondent.

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Ronald C. Homer, Conway, Homer, P.C., Boston, MA, for Petitioner;
Mallori B. Openchowski, United States Dep’t of Justice, Washington, DC, for
Respondent.

UNPUBLISHED DECISION¹

On March 23, 2021, the parties filed a joint stipulation concerning the petition for compensation filed by Alfredo Gonzalez on February 6, 2017. Petitioner alleged that the Tetanus-Diphtheria-acellular-pertussis (“Tdap”) vaccine he received on or about December 29, 2014, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. § 100.3(a), caused him to suffer Guillain-Barré syndrome. Petitioner further alleges that he suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on his behalf as a result of his condition.

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Respondent denies that the vaccine either caused petitioner's alleged injury or any other injury, and denies that petitioner's current disabilities are the result of a vaccine-related injury.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- a. A lump sum payment of \$654,253.29, which amount represents compensation for first year life care expenses (\$31,909.78), lost earnings (\$407,020.67), pain and suffering (\$215,000.00) and past unreimbursable expenses (\$322.84) in the form of a check payable to petitioner;**
- b. A lump sum payment of \$954.76, which amount represents reimbursement of a lien for services rendered on behalf of petitioner, in the form of a check payable jointly to petitioner and Commonwealth Care Alliance, and mailed to:**

**Commonwealth Care Alliance
Attn: Sandra Leonard
P.O. Box 843023
Boston, MA 02284-3023
ID#: 5365688117**

Petitioner agrees to endorse this check to Commonwealth Care Alliance.

- c. A lump sum payment of \$75,798.11, which amount represents reimbursement of a lien for services rendered on behalf of petitioner, in the form of a check payable jointly to petitioner and the Commonwealth of Massachusetts-CRU, and mailed to:**

**Commonwealth of Massachusetts
Attn: Kristin Ellsmore
Casualty Recovery
P.O. Box 417811
Boston, MA 02241-7811**

Patient SSN: XXXXX3970

Petitioner agrees to endorse this check to the Commonwealth of Massachusetts.

d. A lump sum payment of \$9,482.37, which amount represents reimbursement of a lien for services rendered on behalf of petitioner, in the form of a check payable jointly to petitioner and Health New England, and mailed to:

**Health New England
Attn: Nancy Bergstrom
1 Monarch Place, Suite 1500
Springfield, MA 01144
Patient ID #: 80034555501**

Petitioner agrees to endorse this check to Health New England.

e. An amount sufficient to purchase the annuity contract described in paragraph 10 of the stipulation, paid to the life insurance company from which the annuity will be purchased.

These amount represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

